

This Page Is Inserted by IFW Operations  
and is not a part of the Official Record

## **BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning documents *will not* correct images,  
please do not report the images to the  
Image Problem Mailbox.**



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,779	12/28/2000	Paul Mossman	1008-A	4844

7590 06/03/2004

Robert Feutlinske  
KIRBY EADES GALE BAKER  
P. O. Box 3432, Station D  
Ottawa, ON K1P 6N9  
CANADA

EXAMINER

FLEMING, FRITZ M

ART UNIT	PAPER NUMBER
----------	--------------

2182

DATE MAILED: 06/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/749,779

Applicant(s)

MOSSMAN, PAUL

Examiner

Fritz M Fleming

Art Unit

2182

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
FRITZ FLEMING  
PRIMARY EXAMINER  
GROUP 2100

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 3/23/01.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tonelli et al. in view of Gase.

Tonelli et al. teach the use of an auditing of an actual network, so as to create an accurate "virtual" system hosted on a computer, in which there is the audit tool that supports the collection of the actual network interfaces, as such is shown in graphical format in the numerous figures. It is clear from the disclosure, that the purpose of the reference is to be able to discover/collect a present network configuration, to be able to make changes to the "virtual" version of the target network in the computer hosted software version, so as to be able to verify any changes against applicable design rules.

What is lacking is the actual batch mode application of the changes to the actual target network.

Gase teaches the use of a batch mode update to apply configurations to a group of network devices (abstract). There is a pc/workstation 11 and network devices 12, such that the software 20 has a user interface 21 so that the user can input and receive information to and from the database 24 and the configuration engine 25. The configuration engine 25 generates and monitors network communications to track reconfiguration, such that Figure 3 shows the steps of a parameter change. The software allows for a confirmation of the reassignment of, for example an IP address, with a batch configuration detailed at [0006]. The advantage of such a batch mode update is that once all devices to be reconfigured have been selected, the network administrator changes the parameters with a single input. The database 24 can be as simple as a single flat file database or as complex as a relational database, which might include reference lookup tables containing additional information about different devices, which are likely to be attached to the network. User input is obtained through interface 21 and validated by the engine 25 and then the resultant changes are then updated within the database 24. Database 24 is populated with information about all of the currently connected network devices.

Therefore it would have been obvious to one having ordinary skill in the art at the time that the invention was made to modify in view of the teachings of Gase for the purpose of being able to make a single batch mode change of the network parameters to be changed. Thus in combination, the references set forth a collected "virtual" network to

Art Unit: 2182

which cumulative and verified changes are made and validated, prior to actual batch mode changes sent to the actual target network devices.

Per claim 2, means for querying are disclosed in both references, with Tonelli et al. providing visual cues providing visible parameters that can be changed, amongst the allowable values for the particular device. Per claim 3, the collection tool of Tonelli et al. allows the user to input devices, as well as see the ones collected from an audit, allowing an audited network to be manually updated per columns 18+. Per claim 4, a parameter display module is seen for example at Figure 26, in which content is provided by various modules in the overall program. While the same names for the modules are not used, the same functionality exists, as the claimed information is displayed. Per claim 5, user input is accepted. Per claim 6, configuration data is accepted via user input in order to create the data files. Per claim 7, a database is maintained and updated via the web to keep track of selected parameters that can be updated and displayed. Per claims 8,9,10,11 see Gase, as the secondary reference provides a relational database and the configuration engine to make the selected changes in a batch mode update. Per claims 12-16, a computer readable medium is provided by the network design software 10. The dependent claims are rejected for the same reasons, supra. Per claims 17-21, since the computer readable medium and operations are rendered obvious, then the method by which such a program is created is also rendered obvious for the same reasons as set forth in detail, supra. For claims 22-36, the combined references provide an OAM interface, as the whole purpose of the references is to be able to be able to provide for network operation, administration and

Art Unit: 2182

maintenance, with the interface to the virtual system provided by the host computer, such that the actual target network is functionally emulated via actually audited and collected data that can be in turn updated and then changed via a batch mode operation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fritz M Fleming whose telephone number is 703-308-1483. The examiner can normally be reached on 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-1483. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Fritz M Fleming  
Primary Examiner  
Art Unit 2182

fmf